Text Amendment PLPZ #202000027

Amend Section 6-103.1 to allow group fitness centers, with classes limited to 10 participants, to be exempt from the Division 15 parking requirements in buildings containing less than 15,000 sq. ft. of floor area when located between the front and rear building lines in the CGBR zone.

David and Victoria Yolen

PROPOSAL

A Text Amendment application has been submitted on behalf of the owners of 107-109 Greenwich Avenue to amend Section 6-103.1 in order to allow group fitness centers, with classes limited to 10 participants, to be exempt from parking requirements per Division 15, Section 6-158, in buildings containing less than 15,000 sf of floor area when located between the front and rear building lines in the CGBR zone. Group fitness centers are already permitted per Section 6-103.1 on basement floors and upper floors in the CGBR zone, however parking is required to be provided on site.

ISSUES TO BE RESOLVED

- 1. The Commission should determine if the proposal meets the intent of the CGBR zone (Sec 6-103.1).
- 2. If the Commission finds the proposal reasonable, restrictions should be considered on how many classes are permitted per day and / or restrictions on overlapping classes.
- 3. If the Commission finds the text amendment acceptable, does 6-103.1 (B)(c) need updated language? IE, remove "group fitness centers" from that description.

BACKGROUND

Group Fitness Centers are defined as establishments or uses "...where physical exercise or training is conducted in a group session with an instructor" and do not include other components associated with gyms and/or fitness clubs. Section 6-158 requires "one parking space for each participant/student and instructor which may be represented by one exercise machine for each person". Therefore a ten person class with one instructor requires 11 parking spaces.

The other uses that qualify for exemption from the Division 15 parking regulations in the CGBR zone in buildings having less than 15,000 sf of floor area on properties with a Rear

PLPZ #202000027 Text Amendment, [107-109 Greenwich Ave.] Marisa Anastasio June 10, 2020 Page 2 of 4

Building Line are Use Group 1, such as retail and personal services, and Use Group 3 (residential uses). Banks and offices are not permitted to be exempt.

If you take a 2000 sq. ft. space as an example, a retail use would require 13 parking spaces. Personal service uses such as salons require 2 parking spaces per station including hair washing, styling and coloring stations. So a salon with 3 hair washing stations, 7 coloring and stylist stations would require 20 spaces.

It should be taken into account that if the amendment passes, there would be the opportunity for approval of more than one group fitness center holding 10 person classes on Greenwich Avenue without the need to provide parking. Classes in different buildings may overlap with each other. If the Commission finds the proposal reasonable, restrictions should be considered on how many classes are permitted per day and / or restrictions on overlapping classes. Soul Cycle operates in the basement level at 1 Fawcett Place and restrictions on daily classes and overlapping classes were put into place with that approval.

APPLICAPLE BUILDING ZONE REGULATIONS

Section 6-5 Definitions
Section 6-22 Zoning Amendments
Section 6-100 Use Groups for Business Zones
Section 6-103.1 Use Regulations and Special Requirements for the CGBR Zone

ZONING - Comments attached

TEXT AMENDMENT - PROPOSED LANGUAGE (language to be added is in bold)

Sec. 6-103.1. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR CGBR ZONE (9/15/86: 9/28/2010)

(A) Purposes.

In addition to the purposes stated in Sec. 6-102, the goal of the Central Greenwich Business-Retail Zone is to serve as the prime retail and service area of the Town by accommodating shopping and business needs in a greater variety and concentration than the neighborhood and local business zones. The CGBR zone serves several functions: it provides convenience goods and services to all residential areas of the Town, both the outlying sections and the close-in more densely built neighborhoods; it provides comparison shopping goods and services on a generalized or specialized basis to the town wide and sub-regional market area; and it provides office uses to complement and support the business uses.

The emphasis of the CGBR zone is upon protection of ground floor space for compatible retail uses, and avoidance of a break in storefront continuity. Consequently, businesses in the zone are generally dependent upon pedestrian traffic and storefront exposure. In addition to retail uses, a wide variety of services and community functions is included to suit the broad and longer-term needs of residents and customers.

An important goal of the CGBR zone is to provide for housing to meet the diverse needs of the Town's residents, as well as to provide a night-time presence and a daytime market that supports and strengthens the business community.

PLPZ #202000027 Text Amendment, [107-109 Greenwich Ave.] Marisa Anastasio June 10, 2020 Page 3 of 4

(B) Ground Floor Uses.

Except for access to and egress from upper floor permitted uses, uses on the ground floor shall be limited to uses listed in Use Group 1 except for:

(a) B(b) anks and financial services, (including drive up and drive thru) and sales agencies of real estate, employment insurance or travel firms which are not permitted on the first floor of the CGBR zone. These uses are only allowed on the upper floors if parking is provided on site since these uses are considered office uses and not retail uses. ATM machines and bank entrances to the 2nd floor are not considered financial services and may be located on the first floor in the CGBR zone.

(b) Group Fitness Centers with classes not exceeding ten (10) participants/ students at any one time which are permitted in the Basement or on the upper floors of the CGBR zone.

(c) Recreational facilities, fitness clubs, gyms and group fitness centers are not permitted on the first floor of the CGBR zone and only in the Basement and on the upper floors if, in either case, adequate parking is provided on site per Section 6-158 of the BZR.

Other Use Group 1 uses shall occupy not less than 75% of the floor area of the largest floor of the building. For the purposes of this provision, the ground floor shall be considered a floor within 18 inches of mean curb elevation; if no floor occurs within this elevation, the Zoning Enforcement Officer shall determine which floor of the building shall be treated as the ground floor. Public areas of a restaurant in the CGBR zone are restricted to the ground floor (basement or second floor) may be used for food preparation and accessory

non-public restaurant uses. For the purposes of this section, a floor shall be considered the ground floor if it is located within 18" above or below mean curb elevation. (4/14/2010; 9/28/2010, 9/20/2013; 9/19/2017)

(C) Permitted Uses.

Subject to (B) above, the following uses are permitted:

Use Group 1 - Allowed on ground and second floor only, except that below grade floor area (basement) may be used provided that the number of floors of a building devoted to Use Group 1 shall not exceed two, and the number of usable or habitable floors shall not be more than three (3).

Use Group 2a and 2b - Allowed on second floor only. (6/27/95) Use Group 3 -Allowed above ground floor. (6/27/95)

(D) Parking.

Above ground parking shall not be permitted within 60 feet of the street line of Greenwich Avenue or Putnam Avenue. All parking required in accordance with Section 6-158 shall meet the standards of Division 15 and Division 18. (2/6/90)

The parking and loading requirements of Division 15 shall not be applicable to uses in Use Group 1 or Use Group 3 for any lot where the following conditions are met:

PLPZ #202000027 Text Amendment, [107-109 Greenwich Ave.] Marisa Anastasio June 10, 2020 Page 4 of 4

The lot shall have a rear building line as indicated by any map listed in the Schedule of Rear Building Lines at the end of these regulations; and

The total floor area of the building or buildings on said lot shall not exceed 15,000 square feet of floor area.

Division 15 shall be applicable to all other buildings except that for Use Groups 1 and 3 and Group Fitness Centers with classes not exceeding ten (10) participants/students at any one time, the Planning and Zoning Commission, upon application for Special Permit, may grant Special Permit authorizing a lesser number of parking and loading spaces after consideration of the following:

- (1) Any past reduction in the size of the subject lot resulting from the conveyance of land behind a rear building line to the Town of Greenwich;
- (2) Provision of off-site parking by way of contract or lease;

habitable floors shall not be more than three (3). (6/27/95)

- (3) Maintaining of existing buildings contributing to continuity of retail frontages;
- (4) The standards of Sec. 6-15 and 6-17.
 For purposes of this section gross floor area which is located on other than the ground floor and
 - is occupied or utilized by the following Use Group 1 uses shall be calculated as Use Group 2: banks; sales agencies of real estate, employment, insurance or travel firms; non-profit, multi-service social work agencies. (2/6/90)
- (E) Below Grade Floor.

 In the CGBR zone below grade (basement) usable or habitable floor area accessible to the public shall be counted as a story of the building. In such building the number of usable or
- (F) There shall be no display of merchandise or the placement of equipment used for an onsite business activity permitted in the required parking area. (9/28/2010)

ZONING ENFORCEMENT

Projec	et No.	PLPZ20200027	Preliminary	Final X	
Revie	wed for Planning and	l Zoning Commission.			
TITLE (OF PLAN REVIEWED:	Yolan			
LOCAT	ION:	107-109 Greenwich Ave.			
PLAN [DATE:				
ZONE:		CGBR			
	Ok for Zoning Per	mit Sign-off with the fo	ollowing revisions:		
	Resubmit the follo	owing prior to Site Plan	n/Subdivision appro	val:	
\boxtimes	The subject site r	olan/subdivision meets	sthe requirements o	f the Building Zone Regu	lations,
<u> </u>		ns 6-15 and 6-17, and i			· · · · · · · · · · · · · · · · · · ·
	Reviewed by:	Jodi Couture		Date: 6/4/2020	
N∩to.	These comments do n	int rangaant Ruilding Inana	action Division annroyal	Plans subject to review by 7F	() at time of building

permit application.

DIANE W. FOX, AICP DIRECTOR PLANNING AND ZONING/ZONING ENFORCEMENT COORDINATOR/TOWN PLANNER



KATIE BLANKLEY, AICP, Deputy Director Planning and Zoning/Assistant Town Planner

PATRICK LAROW, AICP, Senior Planner
CINDY TYMINSKI, AICP, Planner II
MAREK KOZIKOWSKI, AICP, Planner I
MARISA ANASTASIO, Applications Coordinator

PLANNING AND ZONING - LAND USE DEPARTMENT

CERTIFIED MAIL

June 11, 2012

Mr. Victor DeCicco, The HB Nitkin Group One Fawcett Place Greenwich Ct. 06830

Mr. Chip Haslun, Esq. Ivey Barnum and O'Mara Mason Street Greenwich Ct.06830

Mr. Bruce Cohen, Esq., Fogerty, Cohen, Selby, Nemiroff 88Field Point Road Greenwich Ct. 06830

RE: Soul Cycle and JAT Capital Management Group at One Fawcett Place -Lower Level/Basement uses

Gentlemen:

At a regular meeting of the Planning and Zoning Commission, and upon a motion made by Mr. Maitland and seconded by Mr. Brooks, the following resolutions were unanimously adopted (Voting on these items: Heller, Maitland, Brooks, Alban and Ramer(for Marchese) This letter is addressing lower level/basement uses at 1 Fawcett Place for JAT Capital Management Group and Soul Cycle. This area was formerly used by New York Sports Club since 2003 which is no longer occupying the premises. The Nitkin Group owner of this building is dividing the 7,749sf basement area into two areas. JAT Capital Management, which will have 2,617 sf and the remaining 5,132 is for Soul Cycle.

JAT Capital Management Group:

The Commission reviewed the request to modify one of the conditions of approval for JAT Capital Management Group's use of basement area of 2,617 sf at 1 Fawcett Place for its employees as a gym/exercise area. This area was formerly part of the New York Sports Club which existed since 2003. The Commission directed staff to modify condition #3 in the approval letter dated May 22, 2012 to read as follows:

- 1- JAT area of 2,6170 sf of basement area is limited to their own employees use only as an exercise/gym with lockers, storage, showers and restrooms and accessed to this space via a Lower Level common area by elevator and or stairs.
- 2- JAT will have its offices on the second floor of the Fawcett building. The floor plans of this basement area is to be labeled as office use since it is tied into the office use on the upper floor. In addition, the 1989 P&Z approval shows this area of basement as office use.
- 3- At such time that JAT Capital Management Group no longer occupies the office space on the second floor, the JAT exercise/gym 2,617sf area (labeled as office area) may only be used as an exercise /gym for an existing office tenant at 1 Fawcett, unless a different use id permitted by Planning and Zoning
- 4- Any new use or re-use of this 2,617 sf must come back to the Planning and Zoning dept for Commission and /or staff review
- 5- This JAT gym area will be locked and private with no access or tie-in to the Sole Cycle uses adjoining.
- 6- The approved plans are labeled JAT Capital Management dated 2/3/2012 Cover sheet/Landlord rev. permit Basement Key Plan/Area of Work.

Soul Cycle

The Commission also reviewed the request to clarify language in the May 22,2012 for SoulCycle use of basement area of 5,132sf (formerly New York Sports Club) and the Commission directed staff to approve this use with the following change of #4 and #5 conditions:

- 1- There will be only one "studio room" which has 63 stationary bicycles for "spinning".
- 2- There will be 59 lockers, a reception/office area of 276 sf; and retail sales area 700 sf;
- 3- Occupancy is for 81 persons total (10 of which are employees), which has been represented as less than the 152 occupants which is what New York Sports Club had according to Nitkin Group.
- 4- A maximum of 7 classes a day (weekdays and weekends) with a required 30 minute delay between classes, no more than 63 pieces of equipment (bikes) and hours from 5:45 AM to 7:00PM is permitted.
- 5- Any change of Use, hours, equipment or lease is subject to Planning and Zoning Commission approval.
- 6- Classes are staggered from 45 minutes to 1 hour; when a class is taking place the remainder of the space is unoccupied by any patrons. No additional bicycles or other equipment, employees or uses are permitted in this area without P&Z approval
- 7- No tie-in or joint use with JAT Capital Management Group is permitted.
- 8- Any change of ownership, franchisee, or uses requires P&Z approval.
- 9- The approved plans are labeled SoulCycle dated 4/23/2012 PZ-01, PZ02A, PZ-02B, and PZ-03 Occupancy Analysis

Three sets of separate plans for SoulCycle and for JAT are required to be submitted for signoff by P&Z staff prior to issuance of Zoning or Building Permit.

Very truly yours

Diane W. Fox

Director, Planning and Zoning/Town Planner/Zoning Enforcement Coordinator

c.c. Jodi Couture, Robert Seale, William Schwartz, William Marr, John Vallerie, Peter Robinson



Town of Greenwich Planning & Zoning Department Town Hall – 101 Field Point Road, Greenwich, CT 06830 Phone: (203)622-7894 – Fax: (203)622-3795 PLANNING & ZONING COMMISSION

SITE PLAN APPLICATION

□ PRELIMINARY			☐ FINAL
Project Name:			
Project Name: 107-109 Greenwich Avenue			
Property Owner(s): David and Victoria Yolen			
Tax Account Number(s): 01-1805/S	Zone(s): CGBR	Lot Area	a: 0.101 acres
Please select all relevant items below:			
☐ Special Permit – Complete special perm	it application form		
☐ Coastal Overlay Zone	al Dawadamy of	(f.	or notification)
☐ Property is within 500 feet of a Municip ☐ Amendment to Building Zone Regulatio	n nouncation)		
☐ Amendment to Building Zone Map – Zo			
☐ Sewer Department review needed			
☐ Architectural Review Committee Applic		view needed	
☐ Planning & Zoning Board of Appeals re☐ Inland Wetlands and Watercourses Ager		val Required	
I mand wettands and watercodises rigor	toy Roview / Appro	van reodunos	
AUTH	ORIZED AGENT		
Name: Christopher D. Bristol, Esq. and John P. Tesei, Esq.	Firm name: Gilbrid	de, Tusa, Last & Spella	ne LLC
Street Address: 31 Brookside Drive		St: CT	
Phone: 203.622.9360	Email: cdb@gtlsla	w.com	
Signature:	Date: 110	w	
PROPERTY OW	NER(S) AUTHOR	' IZATION	
Name: see attached			
Street Address:	City:	ST:	Zip:
Phone:			
Signature:		±4000	
To be completed by P&Z staff only: Check # Check Amount: S	1,150.00		
Application # PLP2 202000027			PZ Site Plan App 2018

SITE PLAN ZONING STATISTICS

	EXISTING	PROPOSED	PERMITTED/ REQUIRED
COMMERCIAL/OFFICE			
Gross Floor Area		<u></u>	
Usable Floor Area			
Parking Spaces			
COMMERCIAL/RETAIL			
Gross Floor Area			
Usable Floor Area			
Parking Spaces			
OTHER USES			
Gross Floor Area			
Usable Floor Area			
Parking Spaces			
RESIDENTIAL			
Number of Units			
Number of Bedrooms			
Gross Floor Area			
Parking Spaces			RECEIVE
TOTAL SQUARE FOOTAGE			RECEIVEL
BUILDING HEIGHT			*
FLOOR AREA RATIO			PLANNING & ZONING COMMISSION
BUILDING COVERAGE	.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
LOT COVERAGE			
TOTAL PARKING SPACES			
GREEN AREA			
GIGE I TITOLI			
AGE OF STRUCTURE			
This Site Plan Involves:			

DAVID and VICTORIA YOLEN 9 EAST FARM LANE RIDGEFIELD, CONNECTICUT

January 15, 2020

Town of Greenwich 101 Field Point Road Greenwich, Connecticut 06830

Re: 107-109 Greenwich Avenue, Greenwich, Connecticut

To Whom It May Concern:

Be advised that John P. Tesei, Esq. and Christopher D. Bristol, Esq. are hereby authorized to make and pursue applications concerning the subject property to Town of Greenwich land use agencies. Thank you.

FEB 1 0 2020

Sincerely,

PLANNING & ZONING COMMISSION

VICTORIA YOUEN

GILBRIDE, TUSA, LAST & SPELLANE LLC

ATTORNEYS AT LAW
31 BROOKSIDE DRIVE
P.O. BOX 658
GREENWICH, CONNECTICUT 06836

(203) 622-9360 FACSIMILE (203) 622-9392 WWW.GTLSLAW.COM

February 10, 2020

COUNSEL ROBERT N. LITTMAN* FREDERIC P. RICKLES** TODD S. SHARINN*** THEODORF! SANDLER***

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BY HAND

FRANK J. GILBRIDE II' CHARLES S. TUSA' BENNETT H. LAST' THOMAS R. SPELLANE' JOHN P. TESEI, P.C.'

KONATHAN M. WELLS

ERIC H. SELTZER' KENNETH M. GAMMILL, JR.'

CHRISTOPHER D. BRISTOL

BROOKE E. MARCOGLIESE NATHAN P. PEREIRA'

SAL MELL" DOROTHY MATTHEWS FREEBURG!

> Mr. Peter Mangs, Applications Coordinator Town of Greenwich Planning and Zoning 101 Field Point Road Greenwich, Connecticut 06830

> > Re:

Proposed amendment to Section 6-103.1 of the Greenwich Building Zone Regulations

FEB 1 0 2020

RECEIVED

PLANNING & ZONENG COMMISSION

Dear Peter:

We represent David and Victoria Yolen, owners of property at 107-109 Greenwich Avenue. The property is located on the east side of Greenwich Avenue in the CGBR commercial zone as described by Section 6-103.1 of the Greenwich Building Zone Regulations (the "Regulations"). The property is improved with a two-story commercial building.

Section 6-103.1 of the Regulations encourages Use Group 1 uses in the CGBR zone with an emphasis on the preservation of retail space and a continuity of storefronts along Greenwich Avenue. The focus on Use Group 1 uses, retail uses in particular, in the CGBR zone has become detrimental to the overall financial health and vibrancy of downtown Greenwich by making it more difficult for other complimentary uses to occur downtown. Retail tenancies have been trending down, leaving many vacant storefronts.

Over the past ten years or so, group fitness use has been seen as detrimental to the health of retail space in the CGBR zone, similar to how "retail" banking operations were viewed.

However, given current market trends which has caused retail space to struggle, property owners now need more flexibility.

What I propose is to permit small group fitness center use in the CGBR zone for class sizes of no more than 10 with waived parking requirements similar to existing Use Group 1 uses for those building between the front and rear buildings lines that are 15,000 square feet or less. The text of the proposed regulation change is attached for your reference.

GILBRIDE, TUSA, LAST & SPELLANE LLC

There is an absurd inconsistency in the Regulations that allows uses such as personal services with a very high requiring to provide no parking, and prohibits group fitness uses that would generate the same or less required parking.

The Regulations waive parking requirements for Use Group 1 uses in the CGBR zone for those building between the front and rear buildings lines that are 15,000 square feet or less. Use Group 1 uses include personal services, such as salons and one-to-one instruction. For those uses that are exempt from parking, there is no regulation that limits the intensity of such a permitted use. For example, for a salon personal services use in a building between front and rear building lines in the CGBR zone, there is no zoning limit to the number of stations, hairdressers and clients using the space at any given time. Where Section 6-158 would normally impose a parking requirement of 2 parking spaces for each station, the CGBR zone provides for no parking. To further this example, assume there is a 2,000 square foot space. There could easily be 20 stations that would require 40 parking spaces.

To contrast, a 10 person class with 1 instructor as proposed would produce required parking of 11 spaces.

This amendment will compliment the downtown retail businesses. Fitness classes often tend to be attended to by friends, and groups encourage people to walk downtown, shop and eat thereby adding to pedestrian customer traffic needed for retail business to flourish.

You will find enclosed the following supporting application documents:

- 1. Detailed narrative (i.e. this cover letter);
- Completed application form;
- 3. Owner authorization;
- 4. Affidavit of Notice;
- 5. Certificate of Mailing;
- 6. Tax assessor's field card;
- 7. Proposed text change to Section 6-103.1; and
- 8. A check in the amount of the appropriate filing fee.

Should you have any questions or require more information, please contact me. Thank you.

Very truly yours

stopher D. Bristol, Esa.

FEB 1 0 2020

PLANNING & ZOMING

Enclosures

PROPSED AMENDMENT TO GREEWNICH BUILDING ZONE REGULATIONS SECTION 6-103.1

Sec. 6-103.1. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR CGBR ZONE (9/15/86; 9/28/2010)

(A) Purposes.

In addition to the purposes stated in Sec. 6-102, the goal of the Central Greenwich Business-Retail Zone is to serve as the prime retail and service area of the Town by accommodating shopping and business needs in a greater variety and concentration than the neighborhood and local business zones. The CGBR zone serves several functions: it provides convenience goods and services to all residential areas of the Town, both the outlying sections and the close-in more densely built neighborhoods; it provides comparison shopping goods and services on a generalized or specialized basis to the town wide and sub-regional market area; and it provides office uses to complement and support the business uses.

The emphasis of the CGBR zone is upon protection of ground floor space for compatible retail uses, and avoidance of a break in storefront continuity. Consequently, businesses in the zone are generally dependent upon pedestrian traffic and storefront exposure. In addition to retail uses, a wide variety of services and community functions is included to suit the broad and longer-term needs of residents and customers.

An important goal of the CGBR zone is to provide for housing to meet the diverse needs of the Town's residents, as well as to provide a night-time presence and a daytime market that supports and strengthens the business community.

(B) Ground Floor Uses.

Except for access to and egress from upper floor permitted uses, uses on the ground floor shall be limited to uses listed in Use Group 1 except for:

- (a) bBanks and financial services, (including drive up and drive thru) and sales agencies of real estate, employment insurance or travel firms which are not permitted on the first floor of the CGBR zone. These uses are only allowed on the upper floors if parking is provided on site since these uses are considered office uses and not retail uses. ATM machines and bank entrances to the 2nd floor are not considered financial services and may be located on the first floor in the CGBR zone.
- (b) Group Fitness Centers with classes not exceeding ten (10) participants / students at any one time which are permitted in the Basement or on the upper floors of the CGBR zone.
- (c) Recreational facilities, fitness clubs, gyms and group fitness centers are not permitted on the first floor of the CGBR zone and only in the Basement and on the upper floors if, in either case, adequate parking is provided on site per Section 6-158 of the BZR.

RECEIVED

FEB 1 0 2020

Other Use Group 1 uses shall occupy not less than 75% of the floor area of the largest floor of the building. For the purposes of this provision, the ground floor shall be considered a floor within 18 inches of mean curb elevation; if no floor occurs within this elevation, the Zoning Enforcement Officer shall determine which floor of the building shall be treated as the ground floor. Public areas of a restaurant in the CGBR zone are restricted to the ground floor (basement or second floor) may be used for food preparation and accessory non-public restaurant uses. For the purposes of this section, a floor shall be considered the ground floor if it is located within 18" above or below mean curb elevation. (4/14/2010; 9/28/2010, 9/20/2013; 9/19/2017)

(C) Permitted Uses.

Subject to (B) above, the following uses are permitted:

Use Group 1 – Allowed on ground and second floor only, except that below grade floor area (basement) may be used provided that the number of floors of a building devoted to Use Group 1 shall not exceed two, and the number of usable or habitable floors shall not be more than three (3)

Use Group 2a and 2b – Allowed on second floor only. (6/27/95) Use Group 3 – Allowed above ground floor. (6/27/95)

(D) Parking.

Above ground parking shall not be permitted within 60 feet of the street line of Greenwich Avenue or Putnam Avenue. All parking required in accordance with Section 6-158 shall meet the standards of Division 15 and Division 18. (2/6/90)

The parking and loading requirements of Division 15 shall not be applicable to uses in Use Group 1 or Use Group 3 for any lot where the following conditions are met:

The lot shall have a rear building line as indicated by any map listed in the Schedule of Rear Building Lines at the end of these regulations; and

The total floor area of the building or buildings on said lot shall not exceed 15,000 square feet of floor area.

Division 15 shall be applicable to all other buildings except that for Use Groups 1 and 3 <u>and Group Fitness Centers with classes not exceeding ten (10) participants / students at any one time</u>, the Planning and Zoning Commission, upon application for Special Permit, may grant Special Permit authorizing a lesser number of parking and loading spaces after consideration of the following:

- (1) Any past reduction in the size of the subject lot resulting from the conveyance of land behind a rear building line to the Town of Greenwich;
- (2) Provision of off-site parking by way of contract or lease;
- (3) Maintaining of existing buildings contributing to continuity of retail frontages;
- (4) The standards of Sec. 6-15 and 6-17.

For purposes of this section gross floor area which is located on other than the ground floor and is occupied or utilized by the following Use Group 1 uses shall be calculated as Use Group 2: banks; sales agencies of real estate, employment, insurance or travel firms; non-profit, multi-service social work agencies. (2/6/90)

FEB 1 0 2020

PLANNING & ZONING COMMISSION (E) Below Grade Floor.

In the CGBR zone below grade (basement) usable or habitable floor area accessible to the public shall be counted as a story of the building. In such building the number of usable or habitable floors shall not be more than three (3). (6/27/95)

(F) There shall be no display of merchandise or the placement of equipment used for an on-site business activity permitted in the required parking area. (9/28/2010)

RECEIVED

FEB 1 0 2020

PLANNING & ZOMING COMMISSION

AFFIDAVIT OF NOTICE OF APPLICATIONS TO THE TOWN OF GREENWICH PLANNING AND ZONING COMMISSION

STATE OF CONNECTICUT)	
) ss: Greenwich	January 31, 2020
COUNTY OF FAIRFIELD)	

I, CHRISTOPHER D. BRISTOL, being duly sworn, do hereby certify that January 31, 2020, I caused to be mailed, postage prepaid, to those persons whose names are set forth on Exhibit A, attached hereto, a copy of the notice attached hereto as Exhibit B. Said persons were the record owners, as of January 31, 2020 as shown on the Town Tax Assessor's Office records of property abutting and across the street from the property known as 107-109 Greenwich Avenue, Greenwich, Connecticut owned by David & Victoria J Yolen, for which a request has been made to amend Section 6-103.1 of the Greenwich Building Zone Regulations.

Christopher D. Bristol

Subscribed and sworn to before me on January 31, 2020.

Netery Public/

Commissioner of the Superior Court

RECEIVED

FEB 1 0 2020

PLANNING & ZONING COMMISSION

EXHIBIT A

ABUTTING OWNERS OF PROPERTY LOCATED AT 107-109 GREENWICH AVENUE GREENWICH, CONNECTICUT

PARCEL ID: 01-1970/S 103 GREENWICH AVE LLC c/o ALLIED PROPERTY MANAGEMENT 116 MASON STREET, GREENWICH, CT 06830

PARCEL ID: 01-1894/S
98 102 108 GREENWICH AVENUE | LLC
c/o MARX REALTY & IMPROVEMENT
10 GRAND CENTRAL, 155 EAST 44TH STREET, 7TH FLOOR
NEW YORK, NY, 10017

PARCEL ID: 01-2251/S
55 LEWIS STREET ASSOCIATES LLC
c/o SUTTON
87 GREENWICH AVENUE
GREENWICH, CT, 06830

PARCEL ID: 01-2120/S
BIANCA 121 LLC
121 GREENWICH AVENUE
GREENWICH, CT, 06830

PARCEL ID: 01-2125/S JCS 25 LEWIS STREET LLC 44 HOMESTEAD AVENUE STAMFORD, CT, 06902

PARCEL ID: 01-4526/S TOWN OF GREENWICH 101 FIELD POINT ROAD GREENWICH, CT 06830 RECEIVED

FEB 1 0 2020

PLANNING & ZONENG COMMISSION

EXHIBIT B

January 31, 2020

To Whom It May Concern:

Notice is hereby given that David & Victoria J Yolen, owners of property at 107-109 Greenwich Avenue, Greenwich, Connecticut, have filed an application with the Town of Greenwich Planning and Zoning Commission proposing a text change to Section 6-103.1 of the Greenwich Building Zone Regulations.

Further information concerning this application may be obtained by contacting the Town of Greenwich Planning and Zoning Commission or the undersigned.

Sincerely,

Christopher D. Bristol, Esq. Gilbride, Tusa, Last & Spellane LLC 31 Brookside Drive Greenwich, Connecticut 06830 Tel: (203) 622-9360

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PLAI√NING & ZON€NG COMMISSION

Planning and Zoning Commission Town of Greenwich 101 Field Point Road Greenwich, Connecticut 06830 Tel: (203) 622-7894

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